

JOURNAL OF THE SENATE

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Friday, April 17, 1953

The Senate convened at 11:00 o'clock A.M., pursuant to adjournment on Thursday, April 16, 1953.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President	Crary	Houghton	Ripley
Baker	Davis	Johnson	Rodgers
Beall	Dayton	King	Rogells
Black	Douglas	Leaird	Shands
Branch	Floyd	Lewis	Sturgis
Bronson	Franklin	Lindler	Tapper
Carlton	Fraser	Melvin	
Clarke	Gautier (28th)	Morrow	
Collins	Gautier (13th)	Pearce	
Connor	Hodges	Pope	

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A quorum present.

Senator Lindler was excused from further attendance upon the session today after answering roll call.

Senators Boyle and McArthur were excused from attendance upon the session today.

Prayer was offered by the Senate Chaplain, Reverend W. E. Hall.

The reading of the Journal was dispensed with.

The Senate daily Journal of Thursday, April 16, 1953, was corrected and as corrected was approved.

REPORTS OF COMMITTEES

Senator Shands, Chairman of the Committee on State Institutions, reported that the Committee had carefully considered the following Bill:

S. B. No. 186—A bill to be entitled An Act to designate Okeechobee County as site of South Florida Mental Hospital.

—and recommends that the same pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Clarke, Chairman of the Committee on Banking and Loans, reported that the Committee had carefully considered the following Bill:

S. B. No. 54—A bill to be entitled An Act relating to investment of fiduciary funds; amending Sections 518.01, 518.06, 518.07 and 518.09, Florida Statutes, by eliminating therefrom investments by executors, administrators, trustees, guardians (except guardians investing funds received from the Veterans Administration); adding Sections 518.10 through 518.14, Florida Statutes, to provide for investments by said executors, administrators, trustees, and guardians; repealing Sections 518.02 through 518.05, Florida Statutes, and providing for the effective date of this Act.

—and recommends that the same pass with committee amendments as attached thereto.

And the Bill contained in the preceding report, together with the Committee amendments attached thereto, was placed on the Calendar of Bills on Second Reading.

Senator Davis, Chairman of the Committee on Finance and Taxation, reported that the Committee had carefully considered the following Bills:

S. B. No. 27—A bill to be entitled An Act to provide for assessment of goods, wares and merchandise for tax purposes on the basis of not to exceed one-half of the average inventory value for the previous year and to repeal Section 192.05, Florida Statutes.

S. B. No. 162—A bill to be entitled An Act providing a retirement system for Police Officers of Incorporated Muni-

palities in Florida; creating a special fund to be known as the Police Officers Retirement Fund within such municipalities and the State Treasury; providing for the augmenting of the pension fund of municipal Police Officers by providing for payment by the State Treasury on warrants duly drawn by the Comptroller of the two per cent tax on premiums paid by Foreign Casualty Insurance Companies to the treasury of the several towns, cities and municipalities which have heretofore or that may hereafter provide for municipal police pensions, retirement or death funds; prescribing certain duties of state officers; and providing for the administration and financing of said retirement system.

—and recommends that they do pass.

And the Bills contained in the preceding report were placed on the Calendar of Bills on Second Reading.

Senator Davis, Chairman of the Committee on Finance and Taxation, reported that the Committee had carefully considered the following Bill:

S. B. No. 140—A bill to be entitled An Act to repeal Chapter 204, Florida Statutes, 1951, relating to license taxes on chain and other retail stores.

—and the Committee recommends that the Committee Substitute therefor, as returned herewith, pass.

And the Bill contained in the preceding report, with the recommended Committee Substitute attached thereto, was placed on the Calendar of Bills on Second Reading.

ENGROSSING REPORT

April 16, 1953

Your Engrossing Clerk to whom was referred, with Senate amendment, for engrossing—

S. B. No. 174—A bill to be entitled An Act repealing Chapter 23795, Laws of Florida, 1947, and providing for a maximum number of one hundred and twenty (120) duty hours for firemen in any two calendar weeks in municipalities having a population of fifteen thousand (15,000) or more and providing that the shifts shall be alternated to avoid discrimination against the members of either shift and providing for twenty-four hours duty on alternate days and in emergencies and providing that the Act shall not repeal any law or ordinance of any city allowing vacation for firemen.

—begs leave to report that the Senate amendment has been incorporated in the Bill and the same is returned herewith, as engrossed.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Engrossing Clerk.

And Senate Bill No. 174, contained in the above report was ordered certified to the House of Representatives.

REPORT OF INTERIM COMMITTEE APPOINTED PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION NO. 13 OF THE 1951 SESSION OF THE LEGISLATURE TO INVESTIGATE THE DUTIES, FEES, AND COMPENSATION OF COUNTY OFFICERS:

Hon. Charley E. Johns, President of the Senate
Hon. C. Farris Bryant, Speaker of the House
Legislature of Florida, CAPITOL
Gentlemen:

Your Joint Legislative Committee on Fees, Compensation and Duties of County Officers submits for your consideration the attached findings and conclusions based on its work of the past two years.

In that time, your committee has thoroughly explored the field of county officers as to their compensation and its relationship to the fees from which many of them are paid.

It is the recommendation of this committee that the 1953

Florida Legislature consider favorably the proposed legislation which will be introduced in both houses by members of this committee. The major effect of these bills if enacted into law will be to remove most county officials, including sheriffs, county judges, clerks of the circuit court, clerks of criminal courts of record, tax assessors and tax collectors, from their present fee-compensation basis, give each a fixed salary, and to place more financial control in the Boards of County Commissioners.

Your committee discovered such a wide and obviously haphazard range of compensation for County Commissioners and Supervisors of Registration that a bill to make their salaries uniform has been included. They are not now paid from fees, but we understand the scope of our authority to include their compensation.

Because a number of counties have already eliminated the offices of justice of the peace and constable by local legislation, and because of other problems requiring further study, your committee has not attempted to recommend anything for these offices. We suggest that this be made the subject of continued study.

Your committee wishes to point out to the Legislature and to the public that its work could not have been accomplished without the untiring and cooperative assistance of a steering committee consisting of citizens, state officials and educators, whose work for this committee cost this State nothing. These men and others who assisted them have collected and compiled the facts on which this committee based its conclusions, prepared in draft form the several extensive reports approved by this committee, and on instructions from your committee as to policy and detail, completed the bills which are the fruits of our joint labors.

We wish to thank the members of this steering committee and those others who helped them.

We wish to express our high regard for the county officials of this State. They met many times on this work, as small groups and in state-wide convention. We learned much from them, and in turn, they yielded on many points which at first seemed to threaten the entire program on which we worked.

In conclusion, your committee recommends to their Legislative associates that some more definite policy be adopted for the major overhaul of this State's laws and Constitution, and that private citizens and public employees and officials who have other primary responsibilities be not expected to devote week-ends and nights to this type of work without compensation.

Kenneth Ballinger
Secretary

Respectfully submitted

Evans Crary, Chairman
John M. Hathaway, vice chairman
Lloyd F. Boyle
LeRoy Collins
J. A. Boyd
Thomas E. David
J. Ben Fuqua
Kenneth Ballinger

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS.

By Senator Leaird—

S. B. No. 250—A bill to be entitled An Act repealing Chapter 27558, special laws of Florida, 1951; providing for the creation of a Fort Lauderdale firemen's relief and pension fund; creating a board of trustees for the administration of said fund; providing for means of crediting accumulated and prospective funds to the accounts of firemen; providing for disbursements and payment of benefits from said fund; providing an election in respect to existing funds.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 250 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Leaird moved that the rules be waived and Senate Bill No. 250 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 250 was read the second time by title only.

Senator Leaird moved that the rules be further waived and Senate Bill No. 250 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 250 was read the third time in full.

Upon the passage of Senate Bill No. 250 the roll was called and the vote was:

Yeas—35.

Mr. President	Crary	Houghton	Rodgers
Baker	Davis	Johnson	Rogells
Beall	Dayton	King	Shands
Black	Douglas	Leaird	Sturgis
Branch	Floyd	Lewis	Tapper
Bronson	Franklin	Melvin	
Carlton	Fraser	Morrow	
Clarke	Gautier (28th)	Pearce	
Collins	Gautier (13th)	Pope	
Connor	Hodges	Ripley	

Nays—None.

So Senate Bill No. 250 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Leaird—

S. B. No. 251—A bill to be entitled An Act to create and establish a municipal corporation to be known as the City of Plantation in Broward County, Florida; to prescribe and fix the territorial limits and boundaries of said city; to provide a charter for said city; to prescribe the form of government of said city; to provide for the jurisdiction, powers and privileges of said city; to confer certain powers upon said city and the officers thereof; to name the first officers of said city; to extend the privilege of voting in municipal elections of said city to non-resident property owners as well as residents of said city; to limit the power of levying ad valorem taxes by said city; to authorize the integration of territory into said city, which territory is adjacent to the city limits of said city as they now are or may hereafter exist; and providing for the procedure to be followed in order to integrate such territory; and providing for the participation of the residents of such integrated area in the government of said city upon said area being integrated into said city; and to provide for the carrying into effect of the provisions of this Act.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 251 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Leaird moved that the rules be waived and Senate Bill No. 251 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 251 was read the second time by title only.

Senator Leaird moved that the rules be further waived and Senate Bill No. 251 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 251 was read the third time in full.

Upon the passage of Senate Bill No. 251 the roll was called and the vote was:

Yeas—35.

Mr. President	Crary	Houghton	Rodgers
Baker	Davis	Johnson	Rogells
Beall	Dayton	King	Shands
Black	Douglas	Leaird	Sturgis
Branch	Floyd	Lewis	Tapper
Bronson	Franklin	Melvin	
Carlton	Fraser	Morrow	
Clarke	Gautier (28th)	Pearce	
Collins	Gautier (13th)	Pope	
Connor	Hodges	Ripley	

Nays—None.

So Senate Bill No. 251 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Rodgers—

S. B. No. 252—A bill to be entitled An Act relating to the practice of public accounting amending Section 473.28, Florida Statutes, 1951, and providing for the issuance of certificates as certified public accountants.

Which was read the first time by title only and referred to the Committee on Judiciary "B".

By Senators Crary and Franklin—

S. B. No. 253—A bill to be entitled An Act to provide state participation and financial aid to counties and mosquito control districts in the control of mosquitoes, sand flies and other arthropods; for prerequisites for participating in such state aid by counties and districts; limiting the purposes for which funds may be expended under this Act; requiring reports of expenditures by counties and districts; for general supervision of control plans and measures by the State Board of Health; authorizing the development of a research laboratory; and making appropriations to the State Board of Health for carrying out the provisions of this Act.

Which was read the first time by title only and referred to the Committee on Appropriations.

By Senator Ripley—

S. B. No. 254—A bill to be entitled An Act amending Section 372.571, Florida Statutes, and paragraph one of Section 372.57, Florida Statutes, relating to fishing licenses and expiration date thereof; by providing that fishing licenses shall expire one year from date of issue.

Which was read the first time by title only and referred to the Committee on Game and Fisheries.

By Senator Dayton—

Senate Resolution No. 255:

A RESOLUTION TO REIMBURSE MEMBERS OF JOINT COMMITTEES FOR EXPENSES INCURRED IN ATTENDING AUTHORIZED MEETINGS PRIOR TO THE 1953 SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA:

Section 1. Members of the Senate duly appointed on joint or Senate committees as authorized by the Legislature of 1951 to make investigations, prepare legislation or reports for the Legislature of 1953 and who served on the appropriations committee during pre-session meetings, (S. C. R.—597), corporations revision committee, (H. C. R.—15), ad valorem tax revision committee, (S. C. R.—669), county reorganization (fee system) committee, (H. C. R.—13), shall have their expenses, not to exceed \$17.50 per day, reimbursed and mileage paid from their residence to place of meetings called by chairman of the committee upon requisition signed by said chairman.

Section 2. The fund to reimburse expenses and pay mileage is declared to be a 1953 legislative expense of the Senate.

Which was read the first time in full.

Upon the adoption of Senate Resolution No. 255 the roll was called and the vote was:

Yeas—35

Mr. President	Crary	Houghton	Rodgers
Baker	Davis	Johnson	Rogells
Beall	Dayton	King	Shands
Black	Douglas	Leaird	Sturgis
Branch	Floyd	Lewis	Tapper
Bronson	Franklin	Melvin	
Carlton	Fraser	Morrow	
Clarke	Gautier (28th)	Pearce	
Collins	Gautier (13th)	Pope	
Connor	Hodges	Ripley	

Nays—None.

So Senate Resolution No. 255 was adopted.

By the Committee on Miscellaneous Legislation—

S. B. No. 256—A bill to be entitled An Act amending Section 550.081, Florida Statutes, 1951; and allocating and providing the period of operation of horse race tracks and prohibiting future permits in this State where three horse race tracks are located within a radius of one hundred air miles of each other; providing and establishing annual racing seasons; allocating such racing seasons into three racing periods, each of which shall include one day of required racing from which the net profits shall be paid into a special State scholarship fund; and making findings and declaration of policy relative thereto.

Which was read the first time by title only and referred to the Committee on Miscellaneous Legislation.

Senator Ripley moved that Senate Bill No. 256 be referred to the Committee on Miscellaneous Legislation and the Committee on Finance and Taxation, in the order named.

The question was put on the motion made by Senator Ripley.

A roll call was demanded.

Upon the adoption of the motion made by Senator Ripley the roll was called and the vote was:

Yeas—18.

Bronson	Dayton	King	Ripley
Carlton	Douglas	Leaird	Sturgis
Clarke	Franklin	Morrow	Tapper
Collins	Gautier (13th)	Pearce	
Crary	Houghton	Pope	

Nays—17.

Mr. President	Connor	Hodges	Rogells
Baker	Davis	Johnson	Shands
Beall	Floyd	Lewis	
Black	Fraser	Melvin	
Branch	Gautier (28th)	Rodgers	

So the motion failed of adoption by the required two-thirds vote and Senate Bill No. 256 was referred to the Committee on Miscellaneous Legislation.

By Senator Rodgers—

S. B. No. 257—A bill to be entitled An Act to amend Section 212.08, Florida Statutes, by adding a Sub-section thereto exempting from tax admissions on certain athletic contests.

Which was read the first time by title only and referred to the Committee on Finance and Taxation.

By Senator Rodgers—

S. B. No. 258—A bill to be entitled An Act relating to insurers, requiring said insurers to submit to the Insurance Commissioner the name under which they intend to operate and secure his approval, providing for notice to other insurers affected, for right of action to those affected and limiting time within which suit may be instituted, and further providing that no permit or authority shall be granted to such insurer without the approval of the Insurance Commissioner first had and obtained, and repealing all laws in conflict therewith.

Which was read the first time by title only and referred to the Committee on Insurance.

By Senator Rodgers—

S. B. No. 259—A bill to be entitled An Act to amend Sec-

tion 627.43, Florida Statutes, relating to an investigation and examination of prospective accident and health insurance agents, and duties of commissioner in connection therewith by adding a new Subsection to be numbered Sub-section (3), providing that insurers keep on file detailed credit and character reports on individuals qualifying as accident and health insurance agents for the first time and to furnish the commissioner such information as he may reasonably require; to repeal all laws in conflict herewith.

Which was read the first time by title only and referred to the Committee on Insurance.

By Senator Rodgers—

S. B. No. 260—A bill to be entitled An Act revising Chapter 476, Florida Statutes, relating to barbers' profession, for the purpose of correcting known errors, eliminating certain sections outmoded; adding sections vital to the administration of the law; increasing fees in order to gain necessary revenue; increasing salaries of the commissioners, secretary and inspectors to coincide with the ever rising cost of living.

Which was read the first time by title only and referred to the Committee on Public Health.

By Senator Connor—

S. B. No. 261—A bill to be entitled An Act to amend Section 231.50, Florida Statutes, by increasing the monthly allowance to public school teachers and County Superintendents of Public Instruction who have served an aggregate period of thirty-five (35) or more years as teacher and Superintendent of Public Instruction.

Which was read the first time by title only and referred to the Committee on Appropriations.

By Senator Clarke—

S. B. No. 262—A bill to be entitled An Act relating to the place of doing business of building and loan associations and savings and loan associations, providing for the change of such location, and prohibiting the establishment of branches by such associations.

Which was read the first time by title only and referred to the Committee on Banking and Loans.

By Senators King, Beall and Sturgis—

S. B. No. 263—A bill to be entitled An Act known as the Healing Art Identification Act; defining the healing art; prescribing methods of identification of the kind, branch or system of the healing art of practitioners in the professional use of their names; requiring other persons using the title "doctor" as a trade or professional asset to designate the authority under which such title is used; requiring practitioner of the healing art to have a sign at office or place of business designating the kind, branch or system of healing art he is licensed to practice and prescribing such sign; prescribing and requiring identification and designation of kind, branch or system of healing art which may be practiced within or in connection with private clinics and hospitals; prescribing methods of enforcement of the Act; prescribing penalties for violations; repealing Section 458.14, Florida Statutes, 1951, and other laws or parts of laws in conflict with the Act; providing a saving clause; and prescribing effective date of the Act.

Which was read the first time by title only and referred to the Committee on Public Health.

By Senator Ripley—

S. B. No. 264—A bill to be entitled An Act to amend Section 519.11, Florida Statutes, relating to wage assignments in discount credit consumer financing; to provide that assignments shall not be valid unless accepted by employer, and employer shall be compensated for paying over collectible amounts.

Which was read the first time by title only and referred to the Committee on Banking and Loans.

By Senator Carlton—

S. B. No. 265—A bill to be entitled An Act making unlawful the dumping or escape of wash, waste and debris of

phosphate mines into Peace River and its tributaries; providing penalty for violations; providing enforcement by injunction; providing presumption of negligence; and providing effective date of this Act.

Which was read the first time by title only and referred to the Committee on Oil and Natural Resources.

By Senator Gautier (13th)—

S. B. No. 266—A bill to be entitled An Act amending Sub-Sections (b) and (d) of Section 1, Sub-Sections (3), (11), (18) and (24) of Section 2 and Sections 5 and 8 of Chapter 22963, Laws of Florida, Acts of 1945, entitled "An Act relating to Counties of, and County Commissioners in counties having a population of 260,000 inhabitants, or more, according to the latest federal census, and their powers in general and in particular in relation to ports, harbors, air fields and other projects and make same a county purpose", as amended by Chapter 24296, Laws of Florida, Acts of 1947, and as further amended by Chapters 25166 and 25520, Laws of Florida, Acts of 1949, and as further amended by Chapter 26652, Laws of Florida, Acts of 1951; to confer additional powers upon such counties and County Commissioners; further defining the term "Project" to include railroad and motor terminals for passengers and freight, and to include buildings, and toll highways; granting such counties and County Commissioners authority to construct elevated toll roads along, over and across public streets in any city, town or municipality within such counties; further defining the term "Cost" to include interest during construction and, if deemed advisable, for one year after completion of construction; to authorize the pledging of the revenues of two or more projects for financing purposes; authorizing the levy of a general ad valorem tax of one and one-half mills and providing the purposes for which the proceeds thereof shall be used; and for other purposes.

Which was read the first time by title only.

By unanimous consent Senator Gautier (13th) withdrew Senate Bill No. 266.

By Senator Fraser—

S. B. No. 267—A bill to be entitled An Act vesting the power of eminent domain in boards of County Commissioners and the Game and Fresh Water Fish Commission, for the purpose of acquiring public rights-of-way to navigable streams, lakes and waters, and providing ingress and egress thereto for the purpose of hunting, fishing, boating, bathing, and other public use thereof; providing the procedure in connection therewith and funds for the payment of necessary compensation, costs and expenses; repealing conflicting Statutes and Laws; and fixing the effective date hereof.

Which was read the first time by title only and referred to the Committee on Game and Fisheries.

By Senators Morrow, Beall and Houghton—

S. B. No. 268—A bill to be entitled An Act relating to Education; amending Section 236.04 (2), Florida Statutes, prescribing the procedure for determining the number of instruction units for instructional personnel, by providing the basis on which such units shall be computed for Junior Colleges.

Which was read the first time by title only and referred to the Committee on Education and the Committee on Appropriations, in the order named.

By Senators Morrow, Beall and Houghton—

S. B. No. 269—A bill to be entitled An Act relating to Junior Colleges; amending Section 242.41, adding Section 242.431, amending Sections 237.09 (4) (a) and 236.13, Florida Statutes, by prohibiting counties from taking over certain grades of established institutions as Junior Colleges; requiring operating budgets for Junior Colleges to be prepared by the County Advisory Committee; providing that tentative budgets for Junior Colleges be itemized separately by County Superintendents; limiting expenditure of minimum foundation funds for Junior Colleges and providing the effective date of this Act.

Which was read the first time by title only and referred to the Committee on Education.

By Senator Melvin—

S. B. No. 270—A bill to be entitled An Act amending Sub-Section (2) of Section 650.02, Sub-Section (4) of Section 650.02, Sub-Section (6) of Section 650.02, paragraph (c) of Sub-Section (1) of Section 650.03, paragraph (b) of Sub-Section (1) of Section 650.05, Sub-Section (4) of Section 650.05, and Sub-Section (5) of Section 650.05, Florida Statutes, relating to coverage of certain officers and employees of the State and local governments under the old age and survivors insurance provisions of Title II of the Federal Social Security Act as amended, and making this Act effective July 1, 1953.

Which was read the first time by title only and referred to the Committee on Labor and Industry.

By Senator Collins—

S. B. No. 271—A bill to be entitled An Act to provide for the establishment of a Judicial Council to make a continuous study of the organization, procedure, practice and work of the courts of Florida, including all matters concerning the more efficient administration of justice.

Which was read the first time by title only and referred to the Committee on Judiciary "A".

By Senator Pope—

S. B. No. 272—A bill to be entitled An Act designating and defining Florida State Day.

Which was read the first time by title only and referred to the Committee on Education.

By Senator Tapper—

S. B. No. 273—A bill to be entitled An Act to consolidate the University of Florida, and Florida State University into "The State University of Florida," which shall continue to be governed by the State Board of Control and the State Board of Education, and shall be administered by a single executive who shall have the title of "President of the State University of Florida;" providing that no program of higher education may receive financial support from the State of Florida except as such program shall become a duly established component part of the State University of Florida; except appropriations for regional education, out of state aid for Negroes, the University of Miami Medical School and Marine Biological Research for the State Board of Conservation and grants for existing junior colleges under the Minimum Foundation Program; providing for the appointment of a commission of twelve members, the duty of which shall be to prepare and recommend detailed plans for achieving the Separation of educational functions and the administrative unification of such consolidation; appropriating the sum of \$100,000.00 to defray the expenses of and the work of such commission; providing that the Board of Control and the State Board of Education shall have the final approval of the recommendations of the commission, and providing that this Act shall take effect July 1, 1953.

Which was read the first time by title only and referred to the Committee on Education and the Committee on Appropriations, in the order named.

By the Committee on Appropriations—

S. B. No. 274—A bill to be entitled An Act making appropriations for the salaries of the officers and employees of the State and for the current operating expenses of the departments and branches of the State Government and for the capital outlay and repairs as provided for herein for the annual periods beginning July 1, 1953, and July 1, 1954.

Which was read the first time by title only.

Senator Dayton moved that the rules be waived and Senate Bill No. 274 be placed on the Calendar of Bills on Second Reading, without reference.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator Dayton moved that Senate Bill No. 274 be made a special and continuing order of business for consideration by the Senate commencing at 11:30 o'clock, A.M., Thursday, April 23, 1953.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator King moved that the rules be waived and when the Senate adjourns it adjourn to reconvene at 1:30 o'clock P.M., Monday, April 20, 1953.

Which was agreed to by a two-thirds vote and it was so ordered.

The following message from the Honorable R. A. Gray, Secretary of State, was received and read:

Tallahassee, Florida,

April 13, 1953

Hon. Charley E. Johns,
President of the Senate.

CAPITOL

Sir:

In conformity with the requirements of the Constitution of the State of Florida, I herewith transmit to you, for consideration of the Senate, the following vetoed bills, with the Governor's objections attached thereto, viz:

Senate Bill No. 173

"An Act relating to criminal contempt of court for failure to testify or produce documentary or other evidence before the Grand Jury, and providing a penalty therefor."

Senate Bill No. 213

"An Act to amend the first paragraph of Section 236.04, Florida Statutes, and repeal Subsection (3) of Section 236.04, Florida Statutes relating to education, schools and instructional units."

Senate Bill No. 252

"An Act with respect to the State Officers and Employees Retirement System and providing that any seasonal state employee who works for the State of Florida, or any of its departments for a period of more than six months of the fiscal year and who works the remainder, or a part of such fiscal year in the same or in a similar capacity for another state or department thereof may receive credit for the actual time employed by another state or department thereof, and prescribing the conditions under which such credit may be given."

Senate Bill No. 379

"An Act relating to punishment and providing that whenever punishment by imprisonment is prescribed the Court may in its discretion, where the sentence is for a term of two years or less, direct that the imprisonment be in the County Jail."

Senate Bill No. 620

"An Act authorizing cities or towns in this state to provide by ordinance, rules or regulations for the construction, maintenance and operation of curb windows, curb auto-teller service stations or other curb facilities for paying or collecting public utility charges, making bank deposits, cashing checks or other written orders on banks, paying telephone bills and for like or similar service as may be necessary, expedient, desirable or convenient and for the best interest of the public."

Senate Bill No. 757

"An Act declaring that all public roads and streets in and for all counties in Florida having a population of not less than 100,000 and not more than 114,000 inhabitants, according to the last official census, now in existence or hereafter constructed out of public funds serve a general public and state purpose, designating such roads as state roads and providing that this Act shall not make Sections 588.07 through 588.26 inclusive, Florida Statutes, relating to livestock running at large, effective as to such roads until they are accepted, paved and maintained by the State Road Department."

Senate Bill No. 763

"An Act relating to the registration of brands, trade-marks and trade-names of intoxicating beverages by rectifiers, distillers and manufacturers thereof; requiring registration

thereof; requiring registration of names and addresses of authorized distributors, agents, factors and brokers therefor; statement of contents and ingredients thereof; and prohibiting import of such trade-named or trade-marked beverages from any but such registered persons, firms or corporations; providing certain penalties for violation of any provisions hereof; and exempting malt beverages and beverages sold or purchased at judicial sale from the provisions of this Act."

Senate Bill No. 771

"An Act requiring certain carriers and public utilities to pay to the State of Florida a fee for inspection, control, supervision and regulation of the business, services and rates of such carriers and public utilities; fixing the amount of said fee and prescribing the time for payment thereof; repealing all laws in conflict herewith and providing the effective date of this Act."

Senate Bill No. 1063

"An Act prohibiting the extension of limits of any municipality in Dade County or annexation of territory by any such municipality except with consent of majority of freeholders who are registered electors in the area proposed to be annexed, expressed in a special election to be held in such area; providing for steps to be taken prior to such special election; providing for resolution by governing body of municipality calling such special election, and for the conduct of such election, canvassing of votes and certification of results and who may vote thereat, and the payment of expenses incident thereto by the particular municipality; providing for time when such elections may be held and the form of question to be submitted; providing for accomplishment of annexation upon affirmative vote of majority of freeholders who are registered electors in proposed annexation territory; limiting time within which another attempt to annex proposed territory in whole or in part may be made; and making Act effective notwithstanding contrary provisions in any charter heretofore granted any municipality in Dade County by local law of the State."

Senate Bill No. 1069

"An Act to prohibit the running or roaming at large of domestic livestock within Clay County, Florida, to provide for the impounding and sale of such livestock so running or roaming at large therein and providing for the enforcement of this Act; to provide penalties for the violation of this Act; to define livestock; and to provide a referendum as to this Act."

Senate Bill No. 1148

"An Act authorizing Volusia County to acquire, own, maintain and preserve lands located in Volusia County, Florida; to operate the same as county wild life and game preserves and for general recreational purposes; to authorize Volusia County Commissioners to assess a special hunting license in and for said Volusia County not to exceed Ten (\$10.00) Dollars; to accept and pay option agreements therefor, to purchase the same for cash on a deferred payment basis or to acquire the same on long term leases; referendum."

Senate Bill No. 1184

"An Act to amend Section 7 of Chapter 24545, Special Acts of 1947, as amended by Section 1 of Chapter 24993, Special Acts of 1947, so as to redefine the boundaries of the City of Hallandale, Broward County, Florida; to amend Section 10 of Chapter 24545, Special Acts of 1947, to require candidates for Mayor and Councilmen to be freeholders for at least six (6) months prior to qualifying; to amend Section 15 of Chapter 24545, Special Acts of 1947, to require ordinances to be read in full on first reading rather than on second reading; to amend Section 56, of Chapter 24545, Special Acts of 1947, to change the City's fiscal year to begin on the first day of October of each year and to end on the last day of September of each year, and to provide for a validation of all previous budgets of the City of Hallandale; and to provide for a referendum."

Senate Bill No. 1236

"An Act providing that all counties of Florida having a population of more than 6,550 and less than 7,250 according to the most recent census shall be excluded from the provisions of a certain Act of the 1951 Legislature."

Very truly yours,
R. A. GRAY
Secretary of State

S. B. No. 173 (1951 Session)—An Act relating to criminal contempt of court for failure to testify or produce documentary or other evidence before the grand jury, and providing a penalty therefor.

Was taken up and read by title, together with the following objections thereto of the Honorable Fuller Warren, former Governor of Florida:

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

June 11, 1951

Honorable R. A. Gray
Secretary of State
The Capitol

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill 173, enacted by the Legislature of 1951, and entitled:

"AN ACT RELATING TO CRIMINAL CONTEMPT OF COURT FOR FAILURE TO TESTIFY OR PRODUCE DOCUMENTARY OR OTHER EVIDENCE BEFORE THE GRAND JURY, AND PROVIDING A PENALTY THEREFOR."

This bill subjects all persons to criminal contempt of court, fines and imprisonment for failure or refusal to testify as to any criminal offense, or to any matter affecting the morals, health, sanitation, and general welfare of the county or State or anything comprehended within the police power of the State to any grand jury before whom he might be subpoenaed, or for not producing any documentary evidence he might be summonsed to produce. There is no exception from the punishment provided in the bill that the testimony the person is called upon to give or produce might incriminate himself. This bill clearly violates the 5th amendment of the Constitution of the United States, and also violates Section 12 of the Declaration of Rights of the Florida Constitution, which says:

"No person shall be subject to be twice put in jeopardy for the same offense, nor compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken without just compensation."

I took an oath to uphold, protect and defend the Constitution of the United States and of the State of Florida and this bill is clearly in violation of both of those Constitutions.

For the foregoing reasons, I, therefore, withhold my approval from Senate Bill 173, Legislative Session of 1951, and I hereby veto the same.

Respectfully,
FULLER WARREN
Governor

The President put the question, "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 173 (1951 Session) the roll was called and the vote was:

Yeas—17.

Mr. President	Douglas	Gautier (13th)	Rogells
Beall	Floyd	Houghton	Shands
Branch	Franklin	Pearce	
Collins	Fraser	Pope	
Dayton	Gautier (28th)	Ripley	

Nays—18.

Baker	Connor	King	Rodgers
Black	Crary	Leaird	Sturgis
Bronson	Davis	Lewis	Tapper
Carlton	Hodges	Melvin	
Clarke	Johnson	Morrow	

So Senate Bill No. 173 (1951 Session) failed to pass over the Governor's veto.

The following Explanation of Vote was filed with the Secretary:

It is my judgment that the provisions of the vetoed Act (Senate Bill No. 173 of the 1951 Session) are in conflict with the provisions of Section 12, Declaration of Rights, Constitution of Florida. For that reason I vote to sustain the veto.

WOODROW MELVIN
Senator 1st. District.

S. B. No. 213 (1951 Session)—An Act to amend the first paragraph of Section 236.04, Florida Statutes, and repeal Subsection (3) of Section 236.04, Florida Statutes relating to Education, Schools and Instructional Units.

Was taken up and read by title, together with the following objections thereto of the Honorable Fuller Warren, former Governor of Florida:

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

June 11, 1951

Honorable R. A. Gray
Secretary of State
Tallahassee, Florida

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill 213, enacted by the Legislature of 1951 and entitled:

"AN ACT TO AMEND THE FIRST PARAGRAPH OF SECTION 236.04, FLORIDA STATUTES, AND REPEAL SUBSECTION (3) OF SECTION 236.04, FLORIDA STATUTES RELATING TO EDUCATION, SCHOOLS AND INSTRUCTIONAL UNITS."

The intent of this Law is to eliminate kindergartens and drivers' instruction classes in the public schools which were organized after January 1, 1951. As the basis of determining the number of instructional units in the school system of the various counties so as to receive state aid under the Minimum Foundation Program.

The provisions of the Bill are ambiguous. It contains two references in direct conflict with each other.

The bill contains, first, the following statement: "No units shall be based on attendance in kindergartens after January 1, 1951." The intent of this provision was to continue under the State Aid Program those kindergartens in operation prior to January 1, 1951.

Section 2 of Senate Bill No. 213, however, reads: "Subsection 3 of Section 236.04 is hereby repealed." This eliminates from law all references to kindergartens of any kind and eliminates the procedure by which the State Department of Education would allocate units for the kindergartens the Legislature eventually intended to retain. These conflicting statements make it impossible for the State Department of Education to administer this program under this law due to the fact that in Section 1 kindergartens which were in operation prior to January 1, 1951, were to be continued under the Minimum Foundation Program, while in Section 2; Subsection 3 of Section 236.04 was repealed which is, in effect, eliminating any legal basis for calculating and allocating State Minimum Foundation Program money for any kindergartens.

For the foregoing reason, I therefore withhold my approval from Senate Bill 213, Legislative Session of 1951, and I hereby veto same.

Respectfully,

FULLER WARREN,
Governor

The President put the question, "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 213 (1951 Session) the roll was called and the vote was:

Yeas—None.

Nays—34.

Mr. President	Crary	Hodges	Pope
Baker	Davis	Houghton	Ripley
Black	Dayton	Johnson	Rodgers
Branch	Douglas	King	Rogells
Bronson	Floyd	Leaird	Shands
Carlton	Franklin	Lewis	Sturgis
Clarke	Fraser	Melvin	Tapper
Collins	Gautier (28th)	Morrow	
Connor	Gautier (13th)	Pearce	

So Senate Bill No. 213 (1951 Session) failed to pass over the Governor's veto.

S. B. No. 252 (1951 Session)—An Act with respect to the State Officers and Employees Retirement System and providing that any seasonal State Employee who works for the State of Florida, or any of its departments for a period of more than six months of the fiscal year and who works the remainder, or a part of such fiscal year in the same or in a similar capacity for another state or department thereof may receive credit for the actual time employed by another state or department thereof, and prescribing the conditions under which such credit may be given.

Was taken up and read by title, together with the following objections thereto of the Honorable Fuller Warren, former Governor of Florida:

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

June 11, 1951

Honorable R. A. Gray
Secretary of State
Tallahassee, Florida

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill 252, enacted by the Legislature of 1951 and entitled:

"AN ACT WITH RESPECT TO THE STATE OFFICERS AND EMPLOYEES RETIREMENT SYSTEM AND PROVIDING THAT ANY SEASONAL STATE EMPLOYEE WHO WORKS FOR THE STATE OF FLORIDA, OR ANY OF ITS DEPARTMENTS FOR A PERIOD OF MORE THAN SIX MONTHS OF THE FISCAL YEAR AND WHO WORKS THE REMAINDER, OR A PART OF SUCH FISCAL YEAR IN THE SAME OR IN A SIMILAR CAPACITY FOR ANOTHER STATE OR DEPARTMENT THEREOF MAY RECEIVE CREDIT FOR THE ACTUAL TIME EMPLOYED BY ANOTHER STATE OR DEPARTMENT THEREOF, AND PRESCRIBING THE CONDITIONS UNDER WHICH SUCH CREDIT MAY BE GIVEN."

This Bill allows to seasonal state employees who work for the State or any of its departments for six months during any fiscal year and who work the remainder or a part of the remainder of the fiscal year in a similar capacity for another department or even for another state to receive credit under the State Officers and Employees Retirement System for the full year, by paying to the State Comptroller an amount equal to five percent of the compensation drawn during the part of the fiscal year when he was not employed by the State of Florida plus the State's contribution to the fund.

In my opinion this Act is unconstitutional and also jeopardizes the whole State Officers and Employees Retirement System.

For the foregoing reason, I therefore withhold my approval from Senate Bill 252, Legislative Session of 1951, and I hereby veto same.

Respectfully,
FULLER WARREN
Governor

The President put the question, "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 252 (1951 Session) the roll was called and the vote was:

Yeas—35.

Mr. President	Connor	Gautier (13th)	Pearce
Baker	Crary	Hodges	Pope
Beall	Davis	Houghton	Ripley
Black	Dayton	Johnson	Rodgers
Branch	Douglas	King	Rogells
Bronson	Floyd	Leaird	Shands
Carlton	Franklin	Lewis	Sturgis
Clarke	Fraser	Melvin	Tapper
Collins	Gautier (28th)	Morrow	

Nays—None.

So Senate Bill No. 252 (1951 Session) passed by the required Constitutional two-thirds vote of all members present, the Governor's objections to the contrary notwithstanding, and the action of the Senate was ordered certified to the House of Representatives.

Senator Shands moved that the further consideration of Vetoed Bills be informally passed.

Which was agreed to and it was so ordered.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 17, 1953

Hon. Charley E. Johns,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Senator Ripley—

S. B. No. 6—A bill to be entitled An Act authorizing and empowering the Board of County Commissioners of Duval County, Florida, to convey to Nicola Sgro of Duval County, Florida, certain lands lying and situate in said county, upon the payment of certain monies and fees.

Proof of Publication Attached.

Also—

By Senator Ripley—

S. B. No. 17—A bill to be entitled An Act authorizing and empowering the Board of County Commissioners of Duval County, Florida, to convey to Mamie Williams of Duval County, Florida, a certain lot of land lying and situate in said county, upon the payment of certain monies and fees.

Proof of Publication Attached.

Also—

By Senator Shands—

S. B. No. 24—A bill to be entitled An Act relating to the fencing of livestock in Alachua County, Florida; providing the liability of the owner of livestock running at large or straying; the impounding and sale of such livestock, prescribing the duty of County Commissioners and Sheriffs hereunder;

providing punishment for violation of the provisions hereof and repealing certain laws in conflict herewith.

Proof of Publication Attached.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bills Nos. 6, 17 and 24, contained in the above message, were referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following Message from the House of Representatives was read:

Tallahassee, Florida,
April 17, 1953

Hon. Charley E. Johns,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Senator Melvin—

S. B. No. 75—A bill to be entitled An Act abolishing all justice of peace districts in Okaloosa County, Florida, subject to approval at a referendum election.

Also—

By Senator Melvin—

S. B. No. 76—A bill to be entitled An Act abolishing all justice of peace districts in Santa Rosa County, Florida, subject to approval at a referendum election.

Also—

By Senator Beall—

S. B. No. 58—A bill to be entitled An Act amending Subsection 1 of Section 50 of Chapter 15425, Laws of Florida, Special Acts, 1931, the same being the city charter of the City of Pensacola; as amended by Section 3 of Chapter 20057, Laws of Florida, Special Acts, 1939, and as amended by Section 1 of Chapter 23471, Laws of Florida, Special Acts, 1945; changing the date when the board of equalization of said city shall meet; repealing clause.

Proof of Publication Attached.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bills Nos. 75, 76 and 58, contained in the above message, were referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 17, 1953

Hon. Charley E. Johns,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Senator Beall—

S. B. No. 60—A bill to be entitled An Act amending Subsection (f) Section 100 of Chapter 15425, Laws of Florida, Special Acts, 1931, the same being the City Charter of the City of Pensacola; providing for one primary election and one general election for councilmen, setting the dates for the holding of said primary and general elections, setting the deadline for the qualification of candidates for councilmen, and setting the date for the closing of the registration of qualified voters; providing that the city council shall pass ordinances as to the details of conducting said primary and

general elections; providing for the date of qualifying and entering upon the duties of councilmen; and severability and repealing clauses.

Proof of Publication Attached.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 60, contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

SENATE BILLS ON SECOND READING

S. B. No. 26—A bill to be entitled An Act to specifically appropriate monies for the construction, equipping and furnishing of a medical and nursing school as provided by Section 241.471, Florida Statutes.

Was taken up in its order.

Senator Shands moved that the rules be waived and Senate Bill No. 26 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 26 was read the second time by title only.

Senators Gautier (13th) and Pope offered the following amendment to the Senate Bill No. 26:

Add a new section to be numbered Section 2(a), to read as follows:

Section 2(a): Provided further that no expenditures of the funds provided for in Section 1 hereof be expended, until such time as the proposed University of Florida Medical School can submit proof to the Board of Control of the State of Florida that the minimum requirements set down by the Council on Medical Education and Hospitals of the American Medical Association can be fulfilled as to hospital facilities, out-patient material and faculty.

Senator Gautier (13th) moved the adoption of the amendment.

Pending consideration of the amendment offered by Senators Gautier (13th) and Pope to Senate Bill No. 26, Senator Shands moved that the rules be waived and the time of adjournment be extended until final roll call on Senate Bill No. 26.

Which was agreed to by a two-thirds vote and it was so ordered.

The question was put on the adoption of the amendment offered by Senators Gautier (13th) and Pope to Senate Bill No. 26.

Which was not agreed to so the amendment failed of adoption.

Senator Shands moved that the rules be further waived and Senate Bill No. 26 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 26 was read the third time in full.

Upon the passage of Senate Bill No. 26 the roll was called and the vote was:

Yeas—24.

Mr. President	Collins	Fraser	Morrow
Baker	Connor	Gautier (28th)	Pearce
Beall	Crary	Hodges	Ripley
Black	Davis	Houghton	Rodgers
Bronson	Douglas	Johnson	Shands
Clarke	Floyd	Lewis	Sturgis

Nays—9.

Branch	Gautier (13th)	Pope
Dayton	King	Rogells
Franklin	Melvin	Tapper

So Senate Bill No. 26 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

PAIRINGS

THE FOLLOWING PAIRS WERE ANNOUNCED BY THE SECRETARY IN ACCORDANCE WITH SENATE RULE 12:

I am paired with Senator Lindler on Senate Bill No. 26. If he were present he would vote "Aye" and I would vote "No".

DOYLE E. CARLTON, JR.
Senator, 27th District.

I am paired with Senator McArthur on Senate Bill No. 26. If he were present he would vote "Aye" and I would vote "No".

GEORGE W. LEAIRD
Senator, 30th District

The hour of adjournment having arrived a point of order was called and the Senate stood adjourned at 1:52 o'clock P. M., until 1:30 o'clock P. M., Monday, April 20, 1953.